

CLINTON TOWNSHIP BOARD OF APPEALS

REPORT OF MEETING

MARCH 18, 2009

PRESENT: James D'Angelo, Vice-Chairperson
Robert M. Campbell, Secretary
Michael Deyak
David Edgar
Michael Nickerson
Denise C. Trombley

ABSENT: Francis Marella, Chairperson (Excused)

STAFF: Carlo Santia, Director
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The meeting was called to order at 6:30 p.m. Mr. D'Angelo explained the parameters under which this Board can act and how the public hearing will be conducted. He further explained that, as stipulated in the Township Ordinances, all variances granted by the Board of Appeals are subject to several standard conditions as follows: 1) The petitioner must comply with all applicable requirements of Township ordinances; 2) The project work requiring the variance must be completed within two years of the date that the variance was granted; 3) The project work must be completed substantially in accordance with the plans submitted to the Board of Appeals; and 4) The variance is valid only for the useful life of any structure(s) on the property for which variance is granted.

APPROVAL OF AGENDA

Motion by Mr. Nickerson, supported by Mr. Campbell, to approve the revised agenda as submitted. Motion carried.

**PART OF LOT 102, GROSSE DALE FARMS SUBDIVISION (SECTION 35) [LOCATED
NORTH OF LAKEWOOD, WEST OF GREATER MACK]**

-- APPEAL: SFR – LAKEWOOD, 23619

FILE #6330: PETITIONED BY ROBERT KOZLOWSKI

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 35 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were no written replies received in response to the mailing.

Mr. Robert Kozlowski, 23619 Lakewood, Clinton Township, Michigan 48035, submitted a letter with five signatures from neighbors, four on Lakewood and one on Harvard Shore, all expressing their support of the variance request. He indicated that the garage has been there for 19 years, and if he has to reduce the size, it will weaken the structure and part of it will not have a footing underneath. If he is required to take down, his house will look out of place with the others on his street because the other houses all have garages. He added that it would depreciate the value of his property and the surrounding properties as well. Mr. Kozlowski stressed that he has never received any complaints from his neighbors about his garage, and he has kept it well-maintained by shingling and painting.

Mr. Campbell inquired as to whether this structure has remained the same for 19 years or whether it has included any additions in that time.

Mr. Kozlowski replied that the footprint of the structure has not changed in the 19 years. He added that the garage was given to him by his neighbor and they worked together to move it. He replied to inquiry that, although some of the parcels in the area are partially within the boundaries of St. Clair Shores, he believed that his neighbor's property is also situated in Clinton Township.

Mr. Campbell explained he asked because the City of St. Clair Shores has different ordinances and what may be allowed in St. Clair Shores may exceed Clinton Township's ordinances. At the time the garage was constructed, the owner should have applied for a permit. Unless it was moved from a parcel with a much larger house, he would have thought that the Building Department would have denied the permit without a variance or would have required a reduction in its size.

Mr. Kozlowski replied to inquiry that he was not aware he would have to pull a permit to have the garage moved. He assumed that when his neighbor had the garage built he pulled the required permits.

Mr. Campbell inquired as to what kind of equipment will be stored in the garage.

Mr. Kozlowski replied that his son is a building contractor and sometimes keeps some carpentry wood, but he assured it will not be used for that. He does heating and cooling work and has

some pipe he may keep in the garage, along with lawn equipment, a pop-up camper, snow blowers and two vehicles.

Mr. Campbell inquired as to whether it would be acceptable to the petitioner that, if the variance is granted, a condition be placed on the approval specifying it is only for the “useful life” of the structure. He indicated that light maintenance, such as painting, but when it becomes in need of structural repairs, it would have to be taken down. He explained that, on some occasions when petitioners “inherit an issue”, this Board has granted approvals with the condition that the variance is only in effect for the useful life of the structure.

Mr. Kozlowski agreed to that stipulation.

Mr. D’Angelo inquired as to what brought this issue to the attention of the Building Department when they issued the violation.

Mr. Santia replied that, from his understanding, it was a “random drive-by” and was noticed by the inspector.

Mr. D’Angelo felt that if this Board grants a variance to allow a structure to remain on a pad that has not been inspected, there may be a problem.

Mr. Santia replied that the pad will have to be inspected. He did not know if there is a rat wall, but they can inspect the depth of the footing by digging down adjacent to it.

Mr. Campbell suggested they can grant a variance for the size of the building because he was denied a permit based on that issue. He added that once he obtains the permit, the Building Department will conduct all of the necessary inspections.

Mr. Kozlowski explained that, years ago, he hired a contractor to pour the cement pad. He replied to inquiry that he did not retain the paperwork all of these years, and he cannot recall the name of the company he hired, but he was confident that the building codes in existence at that time were met.

Motion by Mr. Campbell, supported by Mr. Edgar, with reference to File #6330 and application from Mr. Robert Kozlowski, 23619 Lakewood, St. Clair Shores, Michigan 48082, for variance to Clinton Township Planning and Zoning Code, Chapter 1298.01-(b), Supplementary Regulations; Accessory Structures (Including Garages), concerning Part of Lot 102, Grosse Dale Farms Subdivision (Section 35), generally located fronting the north line of Lakewood, west of Greater Mack, addressed as 23619 Lakewood, that variance be granted to permit continued existence of an accessory structure (a garage measuring 826 square feet) in the R-5 One-Family Residential District, being 83.5 square feet in excess of the maximum permitted floor area of 742.50 square feet; further, this grant of variance is granted with the following conditions: 1) The garage must meet the structural requirements of the Building Department in passing the inspection required for a permit, with regard to footings, etc.; and 2) This variance is valid only for the useful life of the garage and nothing other than normal maintenance is to be done, with no replacement of

walls or roof; further, this grant of variance is based on claimed practical difficulty that the garage has been in place for 19 years and moving it or partially disassembling it would weaken the structure and create a safety issue; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Edgar, Deyak, Nickerson, Trombley, D'Angelo. Nays – None. Absent – Marella. Motion carried.

LOT 138, INGLESIDE FARMS SUBDIVISION (SECTIONS 22/23) [LOCATED WEST OF GROESBECK, SOUTH OF CASS AVENUE]

**-- APPEAL: AT&T PRIME WIRELESS @ HILLCREST SQUARE
FILE #6331: PETITIONED BY PATRICK STIEBER, ALLIED SIGNS, INC.**

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 23 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were no written replies received in response to the mailing.

Mr. Patrick Stieber, 33650 Giftos Drive, Clinton Township, Michigan 48035, explained that they are seeking a variance to permit an additional wall sign for the AT&T Prime Wireless location at Hillcrest Square. He noted that this is a new strip center on an outlot of the Meijer's development. The sign facing the south is already approved, but they would like approval to add a sign on the north side. They would like visibility for motorists traveling southbound on Groesbeck, and there is currently a lack of identification from that direction. The unit occupied by AT&T is a corner unit and the tenant was under the impression that because of this corner location, they would be allowed the two wall signs. They feel that, because of the setback of the building and the speed of traffic along Groesbeck, this second sign is needed. He did not feel it will create any issues or problems for anyone in the area, and it fits in with the development. Mr. Stieber pointed out that Biggby's has a similar setup and they have the additional signage. He distributed photographs and offered to answer additional questions.

Mr. Ralph Kattula, 37115 Groesbeck, Clinton Township, Michigan 48036, stated he is the owner of the AT&T Prime Wireless, and he stated he was under the impression he would be allowed two signs because of being the corner unit.

Mr. Deyak inquired as to the size of the sign on the front of the building.

Mr. Kattula replied that it is 40 square feet.

Mr. Santia clarified that the existing sign is actually 42 square feet.

Mr. Deyak stated he drove on southbound Groesbeck to gain a view of where the sign would be located in relation to motorists on Groesbeck, and he claimed that the awning on the neighboring Sonic Restaurant would block the visibility of the requested sign.

Mr. Campbell stated he made the same observations as Mr. Deyak. Since the Sonic canopy blocks the view of the proposed sign, he felt it would be pointless to approve the variance request. He estimated that the first time the sign would become visible would be 50 to 60 feet before the smaller entrance, and at that point, the sign in front is visible. He admitted that the petitioner makes a good point with regard to traffic safety and providing adequate identification on a road that has a large right-of-way and fast-moving traffic; however, since it would be blocked, he felt they will not achieve their objective. A motorist coming into the Meijer's parking lot and looking over the canopies may be able to see the sign at that point, but he did not feel that is who the business is trying to attract.

Mr. Deyak agreed that the sign may help those in the Meijer's parking lot, but not motorists on Groesbeck.

Mr. Kattula pointed out that he is willing to invest money in the sign, and any business he can gain from that, including interior traffic, would be worth it to him.

Mr. Campbell recalled that when Biggby Coffee came before this Board, they wanted signs on the back of their building, but this Board's suggestion was for the petitioner to work with the developer and get fairly large directional signs. He felt that in this particular request, it would also be better to have a few directional signs on site.

Motion by Mr. Campbell, supported by Mr. Nickerson, with reference to File #6331 and application from Mr. Patrick Stieber, Allied Signs, Inc., 33650 Giftos, Clinton Township, Michigan 48035, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-C, "Business sign" "Wall sign"; and Chapter 1488.02-(e)-(3)-C & D, "Business sign", concerning Unit 2, Moravian Hills Condominiums (Section 15), located fronting the west line of Groesbeck Highway, south of Cass Avenue, addressed as 40117 Groesbeck Highway, that variance request to permit installation of two (2) wall signs for a business in the B-3 General Business District (AT & T Prime Wireless @ Hillcrest Square), being one (1) sign in excess of the maximum permitted one (1) wall sign for a business occupying a unit with exterior building walls fronting one major or secondary thoroughfare, be denied by reason that undue hardship was not demonstrated and the traffic safety in the complex would be better served with directional signs, and the proposed sign would not be visible for traffic traveling southbound on Groesbeck. Roll Call: Ayes – Campbell, Nickerson, Edgar, D'Angelo. Nays – Deyak, Trombley. Absent – Marella. Motion carried.

4.07 ACRES OF LAND FRONTING THE WEST LINE OF HARPER AVENUE, NORTH OF 14 MILE ROAD (SECTION 35)

-- **APPEAL: C & L MINI-STORAGE**

**FILE #6332: PETITIONED BY PATTY LOOSE/DON PUCHALSKI,
SIGN FABRICATORS**

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 58 owners and/or occupants of property

located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were no written replies received in response to the mailing.

Mr. Phillip Leone, 52208 Bayberry Court, Shelby Township, Michigan, explained that he wanted to reface the sign because it is in need of repair. He indicated his 4-acre parcel faces Interstate 94, and he claimed that to make the sign smaller would make no sense.

Mr. Don Puchalski, Sign Fabricators, 6029 14 Mile Road, Sterling Heights, Michigan, explained that the sign is over 20 years old, and they are trying to take an old rugged sign and make improvements on it to make it look nice. The existing sign is very weathered and dilapidated, although the structure is very sound and needs no major repair other than some minor electrical repairs, so it would be easy to replace the face on both sides. He believed the sign to be 35 to 40 feet tall, not 50 feet as indicated in the documentation read into the record. To cut the sign down to a 15 foot height with an 80 square foot face would not be practical because it would be below the grade of the freeway. He added that there are trees and foliage between the sign and the freeway, and the sign is located halfway between two large billboard signs. Mr. Puchalski did not feel it is economically feasible to pay twice the price to reduce the size and height of a sign that is still structurally sound. If the only option is replace the sign, he will be forced to leave it in its current state, so he offered to look at other options the Board may have.

Mr. Campbell noted that the pylon was approved in 1988. The sign ordinance has been revised since then, with the most drastic change in 1994. That ordinance revision required that all businesses must bring their signs into compliance by 1999. In 1997, the Township listened to business owners who wanted to get the most life out of their existing signs. The Board decided to allow businesses to leave their existing signs until such time as the sign was to be changed, and then the replacement sign would have to be brought into compliance. He could not recall this Board granting such a large height variance in the last twenty or thirty years. He understood that the petitioner would like visibility on I-94 but he reminded that the ordinance is not based upon how much their development can be seen from I-94. He recalled that his competitor has a wall sign on the back wall that was approved by this Board, and to felt to be consistent and fair, he would not be in favor of the variance as requested but he would consider a variance to allow a wall sign facing I-94.

Mr. Leone replied that he would not be interested in an additional wall sign at this time. He pointed out that a wall sign would not even be visible by motorists traveling on the freeway.

Motion by Mr. Campbell, supported by Mr. D'Angelo, with reference to File #6332 and application from Ms. Patty Loose and Mr. Don Puchalski, Sign Fabricators, 43984 Groesbeck Highway, Clinton Township, Michigan 48036, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)(B), Pylon Sign, concerning 4.07 acres of land fronting the west line of Harper Avenue, north of 14 Mile Road (Section 35), that variance request to permit refacing and continued existence of a business pylon sign for an existing building (C & L Mini Storage) in the I-1 Light Industrial District, abutting a road with a right-of-way width of one hundred twenty (120) feet, with: 1) Display area of one hundred forty (140) square feet, being sixty (60) square feet in excess of the maximum permitted eighty (80) square feet; and 2) Height

of fifty (50) feet being thirty-five (35) feet in excess of the maximum permitted fifteen (15) feet, be denied by reason that undue hardship has not been demonstrated and the sign, in addition to being over the height and size requirement, would also be one sign in excess of the one sign allowed. Discussion ensued.

Mr. D'Angelo inquired as to whether the existing sign will be required to be taken down.

Mr. Santia replied to inquiry that if there is no work done on the sign, it is allowed to remain.

Roll Call: Ayes – Campbell, D'Angelo, Deyak, Edgar, Trombley. Nays – Nickerson. Absent – Marella. Motion carried.

Mr. Leone inquired as to whether they would be allowed to cover the sign with a banner.

Mr. Santia replied that they would not be allowed to cover the existing sign with a banner.

Mr. Nickerson inquired as to whether the petitioner would be allowed to paint the sign, because that would not involve replacement of more than 50%.

Mr. Santia replied that the Township ordinance allows a one-third face change one time, then the sign must be brought into compliance. He replied to inquiry that they can paint the pole as part of general maintenance. The existing sign was approved at 35 feet; however, he came up with the estimation of a 50-foot height by looking at it from the parking lot.

**6.751 ACRES OF LAND FRONTING THE WEST LINE OF ROMEO PLANK ROAD,
NORTH OF 19 MILE ROAD (SECTION 5)**

-- **APPEAL: ITALIAN AMERICAN CULTURAL SOCIETY BANQUET CENTER
FILE #6333: PETITIONED BY ITALIAN AMERICAN CULTURAL SOCIETY
REPRESENTED BY ANTHONY SANFEMIO**

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 24 owners and/or occupants of property located within 300 feet of the land in question, with 9 of those returned as undeliverable. He added that there were no written replies received in response to the mailing.

Mr. Bill Morelli, Executive Director of the Italian American Cultural Society, 43843 Romeo Plank Road, Clinton Township, Michigan 48038, provided his home address as 16226 Pineridge, Fraser, Michigan 48026. He explained that this property was changed to residential. The County is tearing down the existing sign which is 3 feet from the road. The height of the sign is dictated by the topographic features of the property. They are planning a berm underneath and that will take up four to five feet of the proposed sign height. The sign is proposed to be set back 35 feet from the street, and they would like the variance to permit a larger sign to make it easier for the motorists to read it. He pointed out it will be safer than having motorists slowing down to try to read a small sign. He added that they would be willing to use the reader board sign for Amber Alerts.

Mr. Nickerson inquired as to whether this sign will be 13 feet plus the height of the berm.

Mr. Santia replied to inquiry that the height of the sign is 9 feet but the total height, when taking into consideration the berm and the sign combined, is 13 feet.

Mr. Nickerson inquired as to why they have to include the words “At Partridge Creek”. He felt elimination of that would save two feet.

Mr. Morelli explained that this area was formerly Partridge Creek Golf Course, the mall is referred to as “The Mall at Partridge Creek”, and the center is located on Partridge Creek Drive. He added that it took a lot to get them to change their name to “The Banquet Center at Partridge Creek”.

Mr. Campbell recalled that this Board granted a variance to allow Fern Hill to have a readerboard sign, and he noted a lot of parallels between that request and this one.

Mr. Nickerson had no problem granting a variance for the readerboard portion of the sign but he did not see the need for the wording “At Partridge Creek” on the bottom of the sign.

Mr. Santia replied to inquiry that the Mirage Banquet Center is different because it is zoned B-2 Community Business. This parcel is zoned residential and that is why the readerboard is not allowed. The ordinance requires that, if a readerboard sign is on commercial property, it cannot be positioned within 300 feet of residential property. He estimated that the closest home to this property is at least 300 feet or more from this property.

Mr. Deyak inquired as to whether the petitioner would have any objection, should the variance be approved, as to a condition placed on approval which would require the sign to be shut off during specific hours each night.

Mr. Morelli stated that wedding receptions typically last until midnight so he felt it would be nice to have the readerboard sign on until that time. During the week, he could see no problem with having it turned off by 11:00 p.m.; however, he stressed he would like the hours to be later on the weekends.

Mr. Campbell stressed he believes this Board should be consistent. He noted that Fern Hill has homes over 300 feet away on the same side of the street, but there are homes across the street, and they were granted a variance to allow the readerboard sign, provided that it is turned off between the hours of 10:00 p.m. to 7:00 a.m. in the summer and 9:00 p.m. to 7:00 a.m. during the winter. He felt it is only fair to treat this request in the same manner. He also agreed with Mr. Nickerson regarding the height of the sign and pointed out if they eliminated the bottom row of lettering, their sign would only be 7 feet above the berm, or a total of 11 feet. He also noted that they are indicating a second monument sign on Partridge Creek Boulevard.

Mr. Morelli clarified that they will not be putting in the monument sign along Partridge Creek Boulevard.

Mr. Campbell felt they need some type of small directional sign along Partridge Creek Boulevard, indicating where to turn because it is a boulevard and finding the location to turn in is difficult.

Mr. Morelli stressed that they do not have the money at this time for the second sign, but he offered to put up some type of temporary vinyl sign, if the Board wants the second sign for visibility.

Mr. D'Angelo pointed out that the sign on Partridge Creek Boulevard is not being requested tonight, so he would prefer to stay focused on the variance request for the sign along Romeo Plank.

Mr. Campbell clarified that he brought it up only because if the petitioner is planning on putting up that sign and needs a variance, he would have to apply again and pay another fee. He felt looking at this sign now is in the interest of public safety, and it may save them some money in application fees in the future.

Mr. Morelli replied to inquiry that, while they would prefer to keep the readerboard sign lit for longer hours, they are willing to accept the times approved by this Board.

Motion by Mr. Campbell, supported by Mr. Deyak, with reference to File #6333 and application from Mr. Anthony Sanfemio, President, Italian American Cultural Society, 43843 Romeo Plank Road, Clinton Township, Michigan 48038, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)-A-2, Signs, Definitions and Restrictions, "Lawn sign", concerning 6.751 acres of land fronting the west line of Romeo Plank Road, north of 19 Mile Road (Section 5), addressed as 43843 Romeo Plank Road, that variance be granted to permit installation of a monument sign for a business in the RML District (Italian American Cultural Society) with a height of seven (7) feet above the landscaped berm, as shown on the plans submitted, and to further allow an electronic message board, which is not allowed in a residential district; further, this variance is granted on the condition that the readerboard will be turned off during the hours of 10:00 p.m. to 7:00 a.m. during daylight savings time, and 9:00 p.m. to 7:00 a.m. the remainder of the year; further, this grant of variance is based on claimed hardship that this business involves a lot of guests who come to this location infrequently and allows them to locate the facility in a safe manner by having clear identification; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Roll Call Vote: Ayes – Campbell, Deyak, Edgar, Nickerson, Trombley, D'Angelo. Nays – None. Absent – Marella. Motion carried.

**LOT 1, SUPERVISOR'S PLAT #13 SUBDIVISION (SECTION 23) [LOCATED AT THE
NORTHEAST CORNER OF GRATIOT & WELLINGTON CRESCENT]**

-- **APPEAL: RIVERFRONT INN (FKA RAINBOW MOTEL)**
FILE #6334: PETITIONED BY PETER ISAKOVIC, RIVERFRONT INN
REPRESENTED BY JAMES BOLTON, JAN SIGNS

Pertinent correspondence was read and entered into the record. Mr. Campbell advised that notice of this public hearing was issued by regular mail to 5 owners and/or occupants of property located within 300 feet of the land in question, with none of those returned as undeliverable. He added that there were no written replies received in response to the mailing.

Mr. James Bolton, Jan Signs, 5395 Cogswell Road, Wayne, Michigan 48184, submitted photographs to the Board members. He explained that they were going to reface the existing signs but were told they were too tall. He noted that the southbound sign has an “ugly” arrow on top and they are proposing to eliminate that arrow. Mr. Bolton pointed out that the property slopes down toward the river, so from the road, the sign does not appear to be as tall. He added that the top of the sign, without counting the arrow, is only 19 feet from street grade.

Mr. Santia noted that the Planning Department measured it at 21 feet, and that is from the submitted drawing.

Mr. Bolton noted that he “went back and measured some more”, and came up with the 19-foot height from the grade of the street to the top of the proposed sign. He stressed it is a well-kept property, and he is interested in changing the sign to bring in a better clientele. He calculated that the grade of the sign on northbound Gratiot is seven feet below the grade of the street, so although the actual height of the sign is 26 feet, it appears as though it is only 19 feet. Mr. Bolton advised that the request is to allow them to reface only and he added that during the summer months, when the leaves are on the trees, it is difficult to see the sign at all.

Mr. Peter Isakovic, 975 S. Gratiot, Clinton Township, Michigan 48036, stated he has owned this property since 1987, and he is trying to beautify the development. He decided Riverfront Inn would be a better name, and they did not think there would be any problem with refacing the sign. They tried “to do everything properly” and applied for the permit to reface, but were denied. He stressed it would not be feasible to lower the sign, especially the sign on northbound Gratiot.

Mr. Deyak inquired as to whether the petitioner has approached the Downtown Development Authority (DDA) with his intended improvements.

Mr. Isakovic replied that he has not gone before the DDA.

Mr. Campbell could understand the petitioner’s point about the visibility on southbound Gratiot, but he questioned how far away a petitioner can expect to have visibility of a sign. He explained he has difficulty in discerning differences between this situation and the request from C & L Mini Storage, just discussed earlier tonight.

Mr. Isakovic stressed that they are removing the top arrow, thereby lowering the sign. He also reminded that the grade of the sign is below the grade of the road.

Mr. Campbell pointed out that the northbound sign is currently blocked by the neighboring Walgreen's sign, but if it were brought into compliance by being lowered, it would be visible "underneath" the Walgreen's sign. He also felt they can "square off" the sign and meet the maximum size permitted without having to exceed the square footage.

Mr. Isakovic explained that they wanted to give it a little character and make it more appealing.

Mr. Santia replied to inquiry that he did not actually measure the existing signs but is taking the petitioner's word.

Mr. Edgar complimented the petitioner on the improvements made to the property and stated it looks much better.

Motion by Mr. Campbell, supported by Mr. Edgar, with reference to File #6334 and application from Mr. Peter Isakovic, Riverfront Inn, 975 S. Gratiot, Clinton Township, Michigan 48036, as represented by Mr. James Bolton, Jan Signs, 5395 Cogswell Road, Wayne, Michigan 48184, for variance to Clinton Township Building and Housing Code, Chapter 1488.02-(e)-(1)(B), Pylon Sign, concerning Lot 1, Supervisor's Plat #13 Subdivision (Section 23), generally located north of Wellington Crescent, between northbound and southbound Gratiot Avenue, addressed as 975 S. Gratiot, to **approve** the request to permit the refacing of the existing pylon sign on southbound Gratiot for an existing business (Riverfront Inn, fka Rainbow Motel) in the B-3 General Business District, being a height of eighteen (18) feet from street level (not from the grade at the base of the sign, which is lower); further, this variance is granted with the stipulation that the size of the sign be brought into compliance with current ordinance requirements; further, this grant of variance is based on claimed hardship being the location of the bridge and flow of traffic approaching this establishment, and the safety of motorists trying to identify the property from a safe distance; further, to **deny** the request to permit : 1) Refacing of a business pylon sign on northbound Gratiot for an existing business (Riverfront Inn) with a height of the sign being twenty-six (26) feet, which is eight (8) feet in excess of the maximum permitted eighteen (18) feet; and 2) Refacing of a business pylon sign on southbound Gratiot with a display area of one hundred eight (108) square feet, being eight (8) square feet in excess of the maximum permitted one hundred (100) square feet, by reason that undue hardship was not demonstrated. Discussion ensued.

Mr. Deyak inquired as to whether this needs to be addressed by the DDA.

Mr. Santia clarified that the DDA does not have its own sign ordinance.

Mr. Deyak commented that a lot of money is being put into the DDA District, and he wants to make sure this meets their approval.

Mr. Edgar inquired as to whether it would be appropriate to request the petitioner to obtain DDA approval.

Mr. Campbell replied that the petitioner does not need DDA approval, but this Board encourages those in the DDA District to consult with the DDA.

Mr. Nickerson felt that what this Board is trying to achieve with this motion will serve the DDA District very well.

Roll Call: Ayes – Campbell, Edgar, Nickerson, Deyak, Trombley, D’Angelo. Nays – None. Absent – Marella. Motion carried.

8.6917 ACRES OF LAND FRONTING THE SOUTH LINE OF HALL ROAD, WEST OF GROESBECK HIGHWAY (SECTION 2)

-- **APPEAL: ALL SEASONS SUNROOMS**

**FILE #6325: PETITIONED BY MARK MALLOY, ALL SEASONS SUNROOMS
REPRESENTED BY RANDALL KARAM, RANDALL KARAM P.C.**

Mr. Campbell advised that notice of this public hearing was not mailed to owners and/or occupants of property located within 300 feet of the land in question because it had been postponed to a specific date.

Mr. Randall Karam, 53271 Pine Ridge Drive, New Baltimore, Michigan 48051, explained that this is a “work in progress” but he would like to make application for a new sign. He distributed drawings of a couple of options to the Board members.

Ms. Rachel Badalamenti, Attorney from Kirk & Huth, representing the property owner, 19500 Hall Road, Clinton Township, Clinton Township, Michigan 48038, explained that they appealed the Board of Review to separate this building, which is 98,000 square feet. There is a plastic injection mold company in the rear of the building, with offices in front. When Foam Factory purchased the building, they occupied the back. They had the front 49,000 square feet separated for taxes and zoning so they could be used for offices. She stressed that the building has been completely improved, but the problem they are experiencing is that every new tenant coming in wants a sign on Hall Road. She noted that the existing sign cannot satisfy the multi-tenant use because the original occupant was one business. She felt one of the signs being proposed tonight will allow the owner to bring in tenants and give them some space on a sign.

Mr. Karam replied that there are twenty individual units on the first floor, but the owner has the burden of making it marketable and providing tenants with adequate signage. This sign would not create a burden on neighboring property owners, and he added that the entire area is industrial, so there are no single family homes that would be affected. He pointed out that the owner, Mr. Badalamenti, has spent a lot of time and money on this building.

Ms. Badalamenti explained that the owner purchased this building five years ago, but they have less than 10% of the office space leased out and occupied, mainly because of the poor economy;

however, one of the reasons prospective tenants are walking out is because the landlord cannot provide any type of signage for them on Hall Road. She explained the dilemma they are facing by wanting to offer prospective tenants an incentive, but at the same time keeping the property attractive. They felt with the sign options presented tonight, they would be able to do that.

Mr. Nickerson explained that he is an attorney and has done legal work with Kirk and Huth in the past. He felt that, since they are not the direct petitioner, it would not be a conflict, as long as the Board members did not have any objection.

The Board members did not feel it would be a conflict.

Mr. Campbell noted that it is a large building, and he inquired as to how 49,000 square feet of office space compares with other office complexes in the Township.

Mr. Santia replied that the most recent office development comparable in size is the office complex located on the southeast corner of Dove Street and Garfield. He estimated it to be at least 40,000 square feet, and they were allowed only one 100-square-foot sign that is 8 feet in height. There is a similar office complex just south of that site measuring approximately 50,000 square feet, and they are in compliance with the sign ordinance.

Mr. Nickerson acknowledged that the office size may be comparable, he did not feel Hall Road is comparable to Garfield.

Ms. Badalamenti felt it is a hardship for the Foam Factory and all of the office tenants having to use the same sign.

Mr. Karam pointed out that the building has been split and is not being used the same way. He felt the Board would have a difficult time finding the same criteria for other developments in the Township, given the nature of this building. He stated it is very unique and the total square footage of the building measures 98,000 square feet. He replied to inquiry that Foam Factory has a large sign already, although it is on the side of the building.

Mr. Campbell felt Foam Factory would be “double-dipping” if they want more exposure in front. He could see a hardship for a small sign in front.

Mr. Santia replied that the ordinance does not permit pylon signs in office districts.

Mr. D’Angelo suggested that if they are going to have a lot of tenants in the office portion of the building, the building should have a name. The tenants can then advertise that they are in the “Foam Factory” building (or whatever name they choose to represent their building).

Ms. Badalamenti stressed that they need the incentive to be able to bring tenants in, and the tenants are not interested if they do not have any signage.

Mr. D'Angelo felt the problem is starting to grow as more tenants occupy the building, and it will continue to do so until they come up with a solution. He reiterated his suggestion that they name the building and have the tenants advertise their location by that name.

Mr. Karam clarified that they have abandoned their request for a wall sign for All Seasons Sunrooms, and instead hope to have a sign that will meet the needs of the entire building.

Ms. Trombley felt it is better to address the entire building and not each tenant as they come in. She mentioned that the speed of motorists on Hall Road and the layout of the lanes are totally different than that on Garfield.

Ms. Badalamenti admitted that they were not excited about letting a tenant put up another sign on the building, but she stressed that they need tenants. She explained that since this situation is continuously arising with the addition of each tenant, the owner felt it is time to "take care of the problem".

Mr. Deyak inquired as to whether an electronic message board requires a variance.

Mr. Santia replied that an electronic message board would require a variance.

Mr. Nickerson inquired as to whether the sign on the north side of the building will be coming down. He felt that any grant of variance by this board should be on the condition that the sign on the north is removed.

Ms. Badalamenti explained that their lease agreement with that tenant (an insurance company) allows them to have that sign, so they would prefer to allow that sign to remain until the end of that tenant's current lease. She added, however, that it is more important for them to have a "permanent fix" for the signage and if removal of that sign is required in order to receive a variance, that would be more important than the contractual issues they would have as a result.

Discussion took place regarding whether or not the tenants with separate signs should be able to have their names included on the main sign, should a variance be granted to allow it.

Mr. Deyak inquired as to whether this new signage proposal needs to be reviewed by the Planning Department.

Mr. Santia explained that the ordinance permits one wall sign not exceeding 40 square feet, in addition to one lawn sign. The existing wall sign is already 40 square feet, which means they could not have any more wall signage. There is an existing lawn sign which is approximately 120 square feet and is the maximum 8 feet in height. The proposed lawn sign is 17 feet in height and measures 240 square feet. Based on this information, the proposed lawn sign is 120 square feet in excess of the maximum permitted 120 square feet, and 9 feet in excess of the maximum permitted height of 8 feet. Mr. Santia estimated that the grade of the lawn sign is approximately 3 to 5 feet below the grade of the road, so the height of the sign, as seen from the road, would appear approximately 12 feet as opposed to the actual 17-foot height.

Mr. Campbell felt this would be precedent-setting and other office owners will come in to request similar variances. He reminded that financial hardships cannot be considered for the basis of granting variances.

Ms. Badalamenti emphasized that this is a unique situation because it is an 8.69-acre parcel, with a building being occupied with industrial use in the back and office in the front. The area is surrounded with industrial uses.

Mr. Karam did not feel this is precedent-setting, because if any future petitioners can prove the same burdens, then they can be considered. He did not feel there will be many, if any, future applications where the petitioners would be able to match the unique circumstances of this request.

Mr. D'Angelo inquired as to why this revised request was not submitted to the Planning Department prior to tonight.

Mr. Karam responded that they had to get everyone involved. He apologized to the Board and indicated it is a "work in progress".

Mr. D'Angelo felt that if the Board members had been able to review this prior to the meeting, they may be more comfortable in considering the request.

Mr. Karam assured he would have no problem if the Board postpones action on this tonight, although he added that he cannot speak for the property owner.

Mr. Campbell pointed out that the property is zoned Office/Service; however, he felt the businesses occupying the building are quasi-retail. He cited the example of All Seasons Sunrooms, which occupies a portion of the building for their office, but also has customers come in and talk about purchasing sunrooms. An insurance company is selling policies. He felt lawyers and doctors fall into what he considers typical office use, but he added that the location of this building on Hall Road may be attracting tenants who want the advertising exposure.

Mr. Karam noted Hall Road is a constantly-changing corridor, especially with the economy in Michigan.

Mr. Campbell agreed that the current lawn sign is not very visible, given the difference in grade between the location of the sign and the road. He felt if they considered a variance for a pylon sign with a 6-foot under clearance, it would be merited on elevation. He inquired as to whether they would consider a reduction in the size of the sign.

Ms. Badalamenti replied that they are looking at anything they can do to market the building, so if that is their only option, they would be willing to accept it. She requested that, if it is agreeable to the Board, the tenant with the separate sign be allowed to keep that sign until the end of the

current lease, which is in two years, at which time they would require that sign would have to be removed and could not be replaced.

Motion by Ms. Trombley, supported by Mr. Deyak, with reference to File #6325 and application from Mr. Mark Malloy, All Seasons Sunrooms, 23519 Lakepointe Drive, Clinton Township, Michigan 48036, as represented by Mr. Randall Karam, Randall Karam P.C., 53271 Pine Ridge Drive, New Baltimore, Michigan 48051, for variance to Clinton Township Building and Housing Code, Chapter 1488-(e)-(5), Definitions and Restrictions, Business Signs, concerning 8.69 acres of land fronting the south line of Hall Road, west of Groesbeck Highway (Section 2), to accept the petitioner's withdrawal for a variance for additional square footage on their wall sign, and to grant variance to approve removal of the existing monument sign and installation of a new monument sign ("Option B") as submitted, with an overall height of 205 inches and a sign area of 188 inches in height by 180 inches in width (235 square feet); further, to allow the existing wall sign to remain until the tenant's lease is up in two years; further, this grant of variance is based on claimed hardship that due to the size of the road right-of-way and the high speed of the motorists, this sign will aid in safe identification of the building and related businesses; further, this grant of variance is contingent upon compliance with all other requirements of Township ordinances. Discussion ensued.

Discussion took place between "Option A" and "Option B".

Mr. Campbell did not feel making a motion tonight to approve this is in the best interest of the community or the property owner. He felt the sign is situated in a "gully" and the readerboard portion of the sign will not be visible from Hall Road. He felt a pylon sign may be a better option. He suggested postponing action on this so they can look at the possibility of a pylon sign that would be small, whether or not it should include a readerboard, and whether or not such a sign would accomplish the visibility that the tenants in the building are seeking.

Ms. Badalamenti was confident that the proposed sign will bring in tenants, even if their signage is on the lower portion of the sign.

Mr. Campbell did not feel it is fair to market signs that are not visible to motorists on the road.

Roll Call Vote: Ayes – Trombley, Deyak, Edgar, Nickerson. Nays – Campbell, D'Angelo. Absent – Marella. Motion carried.

REPORTS OF MEETINGS

-- APPROVAL OF FEBRUARY 18TH, 2009 REPORT

Motion by Mr. Nickerson, supported by Mr. Deyak, to approve the report of the February 18th, 2009 Board of Appeals Meeting as presented. Motion carried.

DISCUSSION ON NEXT MEETING'S AGENDA

-- MEETING SCHEDULED FOR APRIL 19TH, 2009 AT 6:30 P.M.

Mr. Santia stated the following applications have been received and will be on the April 19th agenda:

- Pudge's Puppy Parlor wants a separate lawn sign.
- Giuseppe's Ristorante is petitioning for a 4-foot under clearance on their sign.
- ABC Warehouse/Liquidation Warehouse/Thrift Store is at the location of the former Media Play/Builder's Square site at 15 Mile and Gratiot, and they are seeking a variance to consolidate their signs.
- Laundry Stop, located on Cass, west of Groesbeck, is seeking a variance for an additional wall sign.
- A single-family detached condominium homeowner is seeking a variance to permit a shed to remain in his yard.

Ms. Trombley announced that she will not be able to attend the next meeting.

ADJOURNMENT

Motion by Mr. Nickerson, supported by Mr. Deyak, to adjourn the meeting. Motion carried. The meeting adjourned at 8:32 p.m.

Respectfully submitted,

Robert M. Campbell, Secretary
CLINTON TOWNSHIP BOARD OF APPEALS

ces:03/22/09

ces:04/03/09